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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,557	11/24/2003	John Lee Hammons	9130M	4853
27752 7590 12/16/2010 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202				
EXAMINER				
HAND, MELANIE JO				
ART UNIT		PAPER NUMBER		
3761				
MAIL DATE		DELIVERY MODE		
12/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,557

Applicant(s)

HAMMONS ET AL.

Examiner

MELANIE J. HAND

Art Unit

3761

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2010 has been entered.

Response to Arguments

2. Applicant's arguments filed October 22, 2010 have been fully considered but they are not persuasive. As to the argument regarding claim 1 that Mizutani does not disclose or suggest out-of-plane deformations in the second region with longitudinal lengths less than the longitudinal length of the napkin, the applicant is referred to Fig. 1 of Mizutani where compressed grooves 11a interrupt the progression of some out-of-plane deformations a edge 7a of the absorbent core 7, beyond which the topsheet 5 and backsheet 6 are attached to one another. Though it is not shown in Fig. 1, one of ordinary skill in the art can reasonably expect that certain sizes and shapes of core 7 can result in the interruption of those deformations 13 nearest the lateral edges of the napkin and wings 10. Thus, it is the examiner's position that Mizutani fairly suggests out of plane deformations 13 in second region 9 that are less than the longitudinal length of the napkin. As to arguments regarding claim 8, collectively, the channels 13 directly adjacent the interior portion define and circumscribe said interior portion.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1-6, 8-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani (EP 1,022,008 A2) in view of Chu et al (GB 2,262,235 A).

With respect to **claim 1**: Mizutani teaches a sanitary napkin 1 having a longitudinal axis defined by center line 2 defining a longitudinal orientation, longitudinally-oriented side edges (see Fig. 1), a transverse axis orthogonal to said longitudinal axis 2 that is parallel to line X-X in Fig. 1 (see Fig. 1) and a thickness measured orthogonally to a plane defined by said longitudinal axis 2 and said transverse axis (see Fig. 2). Sanitary napkin 1 comprises a facing layer in the form of topsheet 5 joined to a backsheet 6 ([0020],[0025]) and an absorbent core 7 disposed between said facing layer 5 and said backsheet 6. ([0018]) The facing layer 5 comprises a first region in the form of first absorbent surface zone 8 comprising a plurality of apertures in the form of liquid passages 12 ([0019],[0022]) and a second region in the form of second absorbent surface zone 9 comprising a plurality of out-of-plane deformations in the form of gathers 13 defining crests and troughs having heights or depths relative to the plane of the topsheet 5. ([0023]) Mizutani discloses that the facing layer 5 is comprised of a precursor web. With regard to the limitation

"comprised of a precursor web", Mizutani discloses a facing layer 5 that is formed by bonding material 5a to material 5b in such a way as to form one web. Since it is not explicitly recited in claim 1 what the precursor web is a precursor to, e.g. the facing layer or the article as a whole, the term "precursor web" is given its broadest reasonable interpretation and the facing layer 5 formed by bonding materials 5a and 5b together is considered herein to define a precursor web wherein said first region defined by first absorbent surface zone 8 (Material 5a) and said second region defined by second absorbent surface zone 9 (material 5b) are disposed in the same precursor web forming facing layer 5. As can be seen in Fig. 1, compressed grooves 11a interrupt the progression of some out-of-plane deformations a edge 7a of the absorbent core 7, beyond which the topsheet 5 and backsheet 6 are attached to one another. Though it is not shown in Fig. 1, one of ordinary skill in the art can reasonably expect that certain sizes and shapes of core 7 can result in the interruption of those deformations 13 nearest the lateral edges of the napkin and wings 10. Thus, it is the examiner's position that Mizutani fairly suggests out of plane deformations 13 in second region 9 that are less than the longitudinal length of the napkin.

Mizutani discloses that a thermoplastic nonwoven fabric (i.e. fibrous nonwoven web) is used for the first central region and a different fibrous nonwoven is used for the second region, and discloses that the division of the surface of the topsheet into regions allows the use of different material, i.e. it facilitates but does not require different materials. However, Mizutani does not disclose that said first region and said second region of said facing layer are disposed in the same fibrous nonwoven. Chu discloses a single thermoplastic material defining a facing layer 1 comprising a first region comprising a plurality of apertures 13 and a second region comprising a plurality of out-of-plane deformations 21. Chu discloses that this configuration prevents bodily fluid from returning to the topsheet in the unapertured areas where it would

cause soiling and prevents soiling of the flaps and undergarment of the user. Therefore it would be obvious to one of ordinary skill in the art to modify the article of Mizutani such that the first and second region are disposed in the same fibrous web as disclosed by Chu to prevent soiling of the topsheet, side flaps and/or user's undergarment. ('235, Fig. 2, Abstract, Page 4, lines 23-31)

With respect to **claim 2**: The facing layer 5 of Mizutani comprises a topsheet in the form of thermoplastic sheet 5a and a secondary topsheet in the form of thermoplastic sheet 5b. ([0024]) In light of the lack of support of the limitation "disposed between the topsheet and absorbent core", the claim is given its broadest reasonable interpretation. The material 5b defining the second sheet is attached to topsheet material 5a below the edge of material 5a between the topsheet 5a and core 7. Therefore the secondary topsheet 5b disclosed by Mizutani is disposed between the topsheet 5a and core 7.

With respect to **claim 3**: The out-of-plane deformations 13 are rib-like elements inasmuch as the deformations 13 define crests and troughs as ribs do. As to the limitation that the out-of-plane deformations are soft and resilient, Mizutani teaches that both topsheet 5a and secondary topsheet 5b are formed from spun bond nonwoven fabrics, which are the same fabrics disclosed by applicant as the materials for the precursor web 200 from which the claimed out-of-plane deformations are formed (see Specification, page 6, lines 19-22; page 7, lines 7-9; and page 9, line 24-page 10, line 1). Since applicant considers spunbond nonwoven fabrics to be suitable exemplary materials for the claimed soft, resilient out-of-plane deformations, the out-of-plane deformations 13 of Mizutani formed from the spunbond nonwoven fabric topsheet 5b are inherently and necessarily also soft and resilient. ([0023], [0024]) Thus, the out-of-plane

deformations 13 of Mizutani are soft-resilient rib-like elements that meet all of the limitations of claim 3.

With respect to **claim 4**: As can be seen in Fig. 1 of Mizutani, the rib-like elements 13 are longitudinally-oriented. ([0023])

With respect to **claim 5**: The first region 8 of facing layer 5 of Mizutani is disposed centrally to said sanitary napkin 1 along said longitudinal axis 2 inasmuch as the first region 8 is symmetrical with respect to said longitudinal and transverse axes of napkin 1. The second region 9 of facing layer 5 is disposed adjacent at least one of the longitudinally-oriented side edges and the first region 8 of facing layer 5. (Fig. 1)

With respect to **claim 6**: The article 1 of Mizutani further comprises a channel in the form of compressed grooves 11a, 11a, 11b, 11b. ([0021]) An "embossed" substrate, in this case the combined structure of facing layer 5 and absorbent core 7 taught by Mizutani, is a substrate that has a three-dimensional profile created by discrete areas of compression, in this case compressed grooves 11a, 11a, 11b, 11b. The term "deep-embossed channel" is not clearly defined in the specification because the only description of the channels in the disclosure is preceded by the words "by way of example" (see Specification, page 9, line 9). Therefore, claim 6 is given its broadest reasonable interpretation herein by examiner, and Mizutani teaches that the napkin further comprises a deep-embossed channel 11a/11a/11b/11b.

With respect to **claim 8**: Mizutani teaches a sanitary napkin 1 having a longitudinal axis in the form of center line 2 defining a longitudinal orientation and longitudinally-oriented side edges

(see Fig. 1), a transverse axis parallel to line X-X in Fig. 1 orthogonal to said longitudinal axis 2 (see Fig. 1), a thickness measured orthogonal to a plane defined by said longitudinal axis 2 and said transverse axis (see Fig. 2). Sanitary napkin 1 comprises a facing layer in the form of topsheet 5 joined to a backsheet 6 ([0020],[0025]), and an absorbent core 7 disposed between said facing layer 5 and said backsheet 6. ([0018]) The facing layer 5 comprises a first region in the form of first absorbent surface zone 8 comprising a plurality of apertures in the form of liquid passages 12 extending therethrough ([0019],[0022]) and a second region in the form of second absorbent surface zone 9 comprising a plurality of out-of-plane deformations in the form of gathers 13 defining crests and troughs and having a height relative to the plane of the topsheet 5. ([0023]) With regard to the limitation "comprised of a precursor web", Mizutani discloses a facing layer 5 that is formed by bonding material 5a to material 5b in such a way as to form one web. Since it is not explicitly recited in claim 1 what the precursor web is a precursor to, e.g. the facing layer or the article as a whole, the term "precursor web" is given its broadest reasonable interpretation and the facing layer 5 formed by bonding materials 5a and 5b together is considered herein to define a precursor web wherein said first region defined by first absorbent surface zone 8 (Material 5a) and said second region defined by second absorbent surface zone 9 (material 5b) are disposed in the same precursor web forming facing layer 5. The article 1 of Mizutani further comprises at least one channel in the form of compressed groove 11a or 11b present only on the top surface of core 7 to form a "deeper compressed groove". These channels 11a,11b define an interior portion of the sanitary napkin 1 inasmuch as they define the longitudinally extending side edges of the first region 8 (see Fig. 1) and the lateral extent of the interior portion (i.e. not extending beyond the endpoints of the channels). The term "deep-embossed channel" is not clearly defined in the specification because the only description of the channels in the disclosure is preceded by the words "by way of example" (see Specification,

page 9, line 9). Therefore the term "deep-embossed channel" is given its broadest reasonable interpretation herein by examiner. The term "embossed" means that a substrate, in this case the combined structure of facing layer 5 and absorbent core 7, has a three-dimensional profile created by discrete areas of compression, i.e. compressed grooves 11a, 11b that bond the two layers 5, 7 together. Thus, either compressed groove 11a or 11b of Mizutani meets the limitation of a deep-embossed channel. The interior portion is defined by and circumscribed by at least one channel 13 that, as a group, circumscribes the interior region.

Mizutani discloses that a thermoplastic nonwoven fabric (i.e. fibrous nonwoven web) is used for the first central region and a different fibrous nonwoven is used for the second region, and discloses that the division of the surface of the topsheet into regions allows the use of different material, i.e. it facilitates but does not require different materials. However, Mizutani does not disclose that said first region and said second region of said facing layer are disposed in the same fibrous nonwoven. Chu discloses a single thermoplastic material defining a facing layer 1 comprising a first region comprising a plurality of apertures 13 and a second region comprising a plurality of out-of-plane deformations 21. Chu discloses that this configuration prevents bodily fluid from returning to the topsheet in the unapertured areas where it would cause soiling and prevents soiling of the flaps and undergarment of the user. Therefore it would be obvious to one of ordinary skill in the art to modify the article of Mizutani such that the first and second region are disposed in the same fibrous web as disclosed by Chu to prevent soiling of the topsheet, side flaps and/or user's undergarment. ('235, Fig. 2, Abstract, Page 4, lines 23-31)

With respect to **claim 9**: The facing layer 5 of Mizutani comprises a topsheet in the form of thermoplastic sheet 5a and a secondary topsheet in the form of thermoplastic sheet 5b. ([0024])

In light of the lack of support of the limitation "disposed between the topsheet and absorbent core", the claim is given its broadest reasonable interpretation. The material 5b defining the second sheet is attached to topsheet material 5a below the edge of material 5a between the topsheet 5a and core 7. Therefore the secondary topsheet 5b disclosed by Mizutani is disposed between the topsheet 5a and core 7.

With respect to **claim 10**: The out-of-plane deformations 13 are soft, resilient rib-like elements inasmuch as they are grooves and ridges fabricated from spun lace thermoplastic material, which is a soft, resilient material and inasmuch as the deformations 13 define crests and troughs as ribs do. Applicant does not provide explicit examples of materials for the claimed facing layer having the claimed out-of-plane deformations. Instead, applicant only discloses that the material for the claimed facing layer is a precursor web 200 that comprises spun bond nonwoven fabric from which the deformations are formed (see Specification, page 6, lines 19-22; page 7, lines 7-9; and page 9, line 24-page 10, line 1) Since Mizutani teaches that both topsheet 5a and secondary topsheet 5b are formed from spun bond nonwoven fabrics, the out-of-plane-deformations 13 defined in zone 9 defined by sheet 5b are inherently and necessarily soft and resilient. ([0023],[0024]) Thus the out-of-plane deformations of Mizutani are soft-resilient rib-like elements that meet all of the limitations of claim 3.

With respect to **claim 11**: As can be seen in Fig. 1 of Mizutani, the rib-like elements 13 are longitudinally-oriented. ([0023])

With respect to **claim 12**: As to the limitation "the first region is disposed substantially within said interior portion", the phrase "substantially within" is not defined in the disclosure. Thus the

phrase is given its broadest reasonable interpretation by examiner, i.e. that any portion of the first region 8 is located within the interior portion. Thus, the first region 8 of Mizutani is considered herein to be disposed substantially within the interior portion.

With respect to **claim 24**: The facing layer 5 of Mizutani comprises a fibrous nonwoven web in the form of thermoplastic elastomeric 5a and said plurality of apertures 12 are formed in said fibrous nonwoven web 5a. ([0024])

With respect to **claim 25**: The topsheet 5a and said secondary topsheet 5b are comprised of fibrous nonwoven webs inasmuch as said topsheet 5a and said secondary topsheet 5b are comprised of thermoplastic nonwoven fabric sheets formed from component fibers. ([0024])

With respect to **claim 26**: The topsheet 5a and said secondary topsheet 5b form a composite web material via sealing to one another. Mizutani teaches that facing layer 5 comprising topsheet 5a and secondary topsheet 5b are heat sealed to backsheet 6. Heat sealing of a thermoplastic material such as facing layer 5 involves melting of the facing layer 5 and backsheet 6 and contacting the layers to one another while melted so that when the layers cool, the fibers of the two adjacent layers are mechanically entangled together and remain in that configuration until heated again, thus necessarily intermeshing the topsheet 5a and secondary topsheet 5b.

With respect to **claim 27**: The first region 8 of facing layer 5 is disposed centrally to said sanitary napkin along said longitudinal axis defined by center line 2 inasmuch as the first region 8 is symmetrical with respect to said longitudinal and transverse axes. The second region 9 of

facing layer 5 is disposed adjacent both the longitudinally-oriented side edges and adjacent the first region 8 (see Fig. 1). Therefore the second region meets the limitation "said second region is disposed adjacent at least one of said longitudinally-oriented side edges and adjacent said first region of said sanitary napkin."

6. Claims 13-16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani ('008).

With respect to **claim 13**: Mizutani teaches a sanitary napkin 1 having a longitudinal axis in the form of center line 2 defining a longitudinal orientation and longitudinally-oriented side edges (see Fig. 1), a transverse axis parallel to line X-X in Fig. 1 that is orthogonal to said longitudinal axis 2 (see Fig. 1), and a thickness measured orthogonal to a plane defined by said longitudinal axis 2 and said transverse axis (see Fig. 2). Sanitary napkin 1 comprises a facing layer in the form of topsheet 5 joined to a backsheet 6 ([0020],[0025]), and an absorbent core 7 disposed between said facing layer 5 and said backsheet 6. ([0018]) The facing layer 5 comprises a second absorbent surface zone 9 comprising a plurality of out-of-plane deformations in the form of gathers 13 defining crests and troughs and having a height relative to the plane of the topsheet 5. ([0023]) The out-of-plane deformations 13 are soft, resilient rib-like elements inasmuch as they are grooves and ridges fabricated from spun lace thermoplastic material, which is a soft, resilient material and inasmuch as the deformations 13 define crests and troughs as ribs do. Applicant does not provide explicit examples of materials for the claimed facing layer having the claimed out-of-plane deformations. Instead, applicant only discloses that the material for the claimed facing layer is a precursor web 200 that comprises spun bond nonwoven fabric from which the deformations are formed (see Specification, page 6, lines 19-

22; page 7, lines 7-9; and page 9, line 24-page 10, line 1) Since Mizutani teaches that both topsheet 5a and secondary topsheet 5b are formed from spun bond nonwoven fabrics, the out-of-plane-deformations 13 defined in zone 9 defined by sheet 5b are inherently and necessarily soft and resilient. ([0023],[0024]) Thus the out-of-plane deformations of Mizutani are soft-resilient rib-like elements. The article 1 of Mizutani further comprises at least one channel in the form of compressed groove 11a or 11b present only on the top surface of core 7 to form a "deeper compressed groove". These channels 11a,11b define an interior portion of the sanitary napkin 1 inasmuch as they define the longitudinally extending side edges of the first region 8 (see Fig. 1) and the lateral extent of the interior portion (i.e. not extending beyond the endpoints of the channels). The term "deep-embossed channel" is not clearly defined in the specification because the only description of the channels in the disclosure is preceded by the words "by way of example" (see Specification, page 9, line 9). Therefore the term "deep-embossed channel" is given its broadest reasonable interpretation herein by examiner. The term "embossed" means that a substrate, in this case the combined structure of facing layer 5 and absorbent core 7, has a three-dimensional profile created by discrete areas of compression, i.e. compressed grooves 11a,11b that bond the two layers 5,7 together. Thus, either compressed groove 11a or 11b of Mizutani meets the limitation of a deep-embossed channel.

With regard to the limitation "the rib-like elements have a length...of between 1-20% of the length of the sanitary napkin", Mizutani discloses that the rib-like elements 13 either extend the entire length of the article or, in the case of those interrupted by first zone 8, extend at least 20% as can be seen in Fig. 1, which is relied upon herein for relative dimensions only. Mizutani also discloses that the elements serve as fluid guides, and therefore their length is considered herein to be a result-effective variable, e.g. shorter elements create more channels 11a,b therebetween, which results in more rapid fluid distribution along the surface of the facing layer

to the core. Applicant has not disclosed a criticality for this range of lengths for the recited elements, therefore the range is considered herein to be an optimization of a result-effective variable. Therefore, while Mizutani does not disclose that the elements have a length of between 1-20% of the length of the napkin, it would be obvious to one of ordinary skill in the art to modify the article of Mizutani such that the rib-like elements each have a length that is 1-20% of the length of the napkin with a reasonable expectation of success to create additional fluid channels for more rapid fluid distribution to the core. It has been held that the discovery of an optimum value of a result-effective variable in a known process is ordinarily within the skill of the art. See *In re Boesch and Slaney*, 205 USPQ 215 (C.C.P.A. 1980)

With respect to **claim 14**: The facing layer 5 of Mizutani comprises a topsheet in the form of thermoplastic sheet 5a and a secondary topsheet in the form of thermoplastic sheet 5b. ([0024]) In light of the lack of support of the limitation "disposed between the topsheet and absorbent core", the claim is given its broadest reasonable interpretation. The material 5b defining the second sheet is attached to topsheet material 5a below the edge of material 5a between the topsheet 5a and core 7. Therefore the secondary topsheet 5b disclosed by Mizutani is disposed between the topsheet 5a and core 7.

With respect to **claim 16**: As can be seen in Fig. 1 of Mizutani, the rib-like elements 13 are longitudinally-oriented. ([0023])

With respect to **claim 28**: As can be seen in Fig. 1 of Mizutani, said plurality of out-of-plane deformations 13 are disposed along at least one of said longitudinally-oriented side edges of said sanitary napkin 1.

7. Claims 7 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani ('008) in view of Ohashi et al (U.S. Patent Application Publication No. 2002/0065498)

With respect to **claims 7,29**: Mizutani does not teach that said deep-embossed channel 11a/11a/11b/11b has a depth of at least 50% of said thickness of said sanitary napkin 1. Ohashi teaches an absorbent article in the form of napkin 1 having grooves 15, wherein the channels 15 have a depth corresponding to 10-90% of the thickness of the core 4. Since the topsheet 2 and backsheet 3 add thickness, the depth of the grooves will be at most between 10-90% of the thickness of the instant napkin 1. Ohashi teaches that channels 15 having depth within this range allows for the trapping of fluid collected to prevent leakage of fluid past the sides of the article. ('498, ¶10015) Therefore, it would be obvious to one of ordinary skill in the art to modify the article of Mizutani such that the grooves 11a,11a,11b,11b have a depth corresponding to at most between 10-90% of the thickness of the napkin as taught by Ohashi to render the grooves 11a,11b effective to trap and collect fluid to prevent leakage of fluid beyond the side edges of the instant article. The combined teaching of Mizutani and Ohashi thus teaches a napkin having a deep-embossed channel wherein the deep-embossed channel has a depth of at most between 10-90% of the thickness of the instant napkin, which overlaps the claimed range of at least 50% of the thickness of the napkin and thus renders claims 7 and 29 unpatentable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE J. HAND whose telephone number is (571)272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melanie J Hand/
Primary Examiner, Art Unit 3761